

DISTRICT OF COLUMBIA
DOH Office of Adjudication and Hearings
825 North Capitol Street N.E., Suite 5100
Washington D.C. 20002

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

NEWPORT TRANSPORTATION CO., INC.
Respondent

Case No.: I-00-11076

FINAL ORDER

I. Introduction

On May 18, 2001, the Government served a Notice of Infraction (No. 00-11076) upon Respondent Newport Transportation Company, Inc., alleging that it violated 20 DCMR 900.1, which prohibits, with certain exceptions, motor vehicles from idling their engines for more than three minutes while parked, stopped or standing. The Notice of Infraction alleged that the violation occurred on May 10, 2001 between 11:50 and 11:55 AM in the 500 block of Morse Street, N.E., and sought a fine of \$500.00.

On May 31, 2001, Respondent filed a timely plea of Admit with Explanation, together with a request for suspension or reduction of the fine. On June 4, 2001, I issued an order permitting the Government to reply to that plea and request within ten days. That deadline has passed with no response from the Government.

II. Summary of the Evidence

Respondent, which is located in New Jersey, states that its driver was not aware of the engine idling regulation, as its trucks do not regularly come to the District of Columbia. Respondent states that the driver was making a delivery at the time of the violation and had entered an office to obtain instructions about where to park the truck. Respondent states that it now has advised all of its dispatchers and drivers of the regulation. As noted, the Government has not disputed Respondent's claims.

III. Findings of Fact

1. By its plea of Admit with Explanation, Respondent has admitted violating 20 DCMR 900.1 on May 10, 2001.
2. On May 10, 2001, a truck owned by Respondent idled its engine for more than three minutes while parked in the 500 block of Morse Street, N.E.
3. Respondent's statement in support of its plea shows that it has acknowledged responsibility for the violation.
4. Respondent has taken steps to prevent future violations of 20 DCMR 900.1
5. There is no evidence that Respondent has a history of prior violations.

IV. Conclusions of Law

1. By idling the engine of a truck for more than three minutes while parked, Respondent violated 20 DCMR 900.1. The authorized fine for that violation is \$500.00 for a first offense. *See* 16 DCMR 3224.3(aaa), as added by the Motor Vehicle Excessive Idling

Fine Increase Amendment Act of 1999, D.C. Law 13-35 (Effective October 7, 1999); 46 D.C. Reg. 8699 (October 29, 1999); 46 D.C. Reg. 6017 (July 23, 1999).

2. Respondent's acceptance of responsibility, its efforts to prevent future violations and the absence of a history of prior regulatory violations warrant a reduction, but not a suspension, of the fine. Accordingly, the fine will be reduced to \$250.00.

V. Order

Based upon the foregoing findings of fact and conclusions of law, it is, this _____ day of _____, 2001:

ORDERED, that Respondent shall pay a total of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** in accordance with the attached instructions within twenty (20) calendar days of the date of mailing of this Order (fifteen (15) calendar days plus five (5) days for service by mail pursuant to D.C. Code § 6-2715); and it is further

ORDERED, that, if Respondent fails to pay the above amount in full within twenty (20) calendar days of the date of mailing of this Order, by law, interest must accrue on the unpaid amount at the rate of 1 ½% per month or portion thereof, beginning with the date of this Order. D.C. Code § 6-2713(i)(1), as amended by the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, D.C. Law 13-281, effective April 27, 2001; and it is further

ORDERED, that failure to comply with the attached payment instructions and to remit a payment within the time specified will authorize the imposition of additional sanctions, including the suspension of Respondent's licenses or permits pursuant to D.C. Code § 6-2713(f), the placement of a lien on real and personal property owned by Respondent pursuant to D.C. Code § 6-2713(i), and the sealing of Respondent's business premises or work sites pursuant to D.C. Code § 6-2703(b)(6).

/s/ **6/22/01**

John P. Dean
Administrative Judge